

REMARKS

The Office action of June 30, 2005, has been carefully considered.

Claim 9 has been rejected under 35 USC 112, second paragraph, based upon allegedly indefinite terminology. Claim 9 has now been canceled and withdrawal of this rejection is requested.

Claims 3 and 7 to 10 have been rejected under 35 USC 103(a) over Komoto et al.

Claim 7 has now been amended to recite that the phosphor particles distributed in the transparent resin sealing the LED changes the chromaticity of the light emitted from LED to another chromaticity. The outer surface of the transparent sealing resin includes a dye specifically selected to correct the color transmitted through the *phosphor-containing* transparent resin sealing the LED. Two separate changes to the light emitted by the LED are thus made.

In accordance with the invention, the chromaticity of the light from the LED is partially changed by the phosphor particles in the transparent resin, and then superfluous color of the light transmitted through the transparent resin is cut by the dye to correct the color of the light transmitted by the resin. This enables reliable production of light having a desired chromaticity.

The Office action takes the position that a phosphor is a dye because the phosphor changes the incident light into a different color, thus coloring or dying the substrate. The specific embodiment of the invention cited by the Office action is Figure 32B, including a resin layer having a fluorescent material incorporated therein with a high concentration in surface region 540A (column 26, lines 21-24). This example makes reference to Figure 27B, in which

fluorescent materials are distributed by precipitating the fluorescent material before the resin 290 is cured, and while the device is in an upside down position. This enables a high concentration of fluorescent material to be formed near the surface 290A of resin 290. The fluorescent material may be completely precipitated at the surface layer in this manner, or alternatively, the fluorescent material may be coated uniformly on the surface layer (column 24, lines 12-27).

However, neither of these examples discloses or suggests the concept of the invention, which is *the presence of two light changing layers*. Thus, as described above, the sealing resin of the invention includes phosphor particles which make a first change to the chromaticity of the light emitted by the LED. Moreover, according to the invention, there is also an outer dye layer which enables a final correction of the chromaticity of the light based upon the light which is actually transmitted through the sealing resin.

The Komoto et al patent does not disclose two color changing layers, but only a single layer which may be evenly distributed throughout the resin, distributed with a greater concentration at the surface of the resin, or located entirely at the surface. Regardless of where it is placed, the dye layer of Komoto et al is still only a single dye layer performing a single correction.

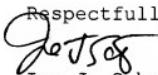
According to the invention, the dye is to not simply dye the light emitted by the LED, but to correct the light produced by the sealing resin containing phosphors. While it is admittedly known to place dye in a sealing resin, the light transmitted through such a resin frequently does not have the chromaticity desired, and the invention therefore proposes a further layer of a dye at the surface of the resin. This is not disclosed or suggested in the prior art.

The kind and function of the dye as the filter and "cutting operation" is disclosed in the specification at page 6, lines 19-20 and 22-23, page 9, lines 3-5, page 11, line 25 and page 12, lines 20-21.

As the Komoto et al patent does not disclose both a coloring function for the resin using phosphors, and a color correcting function using an outer dye layer, withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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